

Board of Selectmen  
Minutes of 08/14/06  
**Approved 09/11/06**

**I. Call to Order**

Chair Emily Creighton called the meeting to order at 7:00 p.m. There were also present Mr. Donald Gould, Selectman, Mr. Henry Marsh, Selectman and Michael Pardue, Town Administrator. Mr. Pardue served as the Recording Secretary for this session.

**II. Selectmen Items**

**A. Department Head Updates**

Recreation Director Diane Wheeler provided the Board with an overview of the activities of the Recreation Department for the past approximately 5 weeks beginning with the week of 6/26 – 6/30/06.

Road Agent Robert Strout advised the Board of the Highway department's efforts over the past several weeks, citing challenges created by the severe weather of late.

Mr. Strout asked the Board for some direction related to the cutting and chipping of trees and brush lying on private property, again citing the recent microburst storm event that resulted in many fallen trees.

The Board asked Mr. Strout to seek quotes from tree removal companies to assist the Town in removing fallen trees from both public and private lands.

The Board thanked Mr. Strout and his personnel for their tremendous work effort during this very challenging time.

Chief of Police Brian Page addressed the Board, providing them with an overview of police department activities. Chief Page also provided the Board with statistics comparing current calls for service to those during the same timeframe last year.

Chief Page referenced July 2006 issues and incidents requiring police services.

Chief Page discussed the proposals being considered regarding the locating of a new district court in Rockingham County.

Chief Page further cited that the town's computer servers had successfully "survived" the recent series of storms and related power outages. He explained that the most recent storm had resulted in the discovery of the servers operating in a non-air

conditioned environment, resulting in the servers being “hot”. The Chief shut down the servers prior to any damage being incurred.

Chief Page went on to state that the town has been designated to receive grant money under the “Car 54” program. He explained that this program allows for the equipping of police vehicles with radios, light bars, computer equipment etc. that is activated and operated via a voice recognition system, the system having been developed and administered through the University of New Hampshire.

**Motion / Vote: Mr. Gould made a motion to accept a grant in the amount of \$24,000 for the Car 54 program. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.**

Mr. Marsh spoke of the recent microburst storm and how he, Mr. Marsh, came to the Town office where he encountered a man who was receiving oxygen via an oxygen canister. Mr. Marsh stated that the man appeared to be very happy to see a town official during this crisis.

Chief Page stated to the Board that the sergeants exam is in process with reading materials being reviewed by candidates at this time. Chief Page explained that it is his hope to fill the vacancy in late September.

Code Enforcement Officer Richard Mabey next met with the Board to address recent activities of the Code Enforcement office. He too explained that the recent microburst storm, coupled with the recent fire at the construction site of Fridays Restaurant, had placed a huge demand on his time. In addition, he has recently had to be involved in the removal of “junk” materials from a private residence, as authorized by the court.

Mr. Mabey stated that he continues to monitor the water level at the “Little” residence as ground water works to recede.

Mr. Mabey further stated that as requested by the Board, he is managing the placement of the generator at the North Hampton School and will have to spend the next week framing and pouring the concrete slab for the generator.

The issue of signs being tacked to utility poles was discussed. Mr. Mabey spoke of the issues associated with his removing signs and the recent arrest of a person in a neighboring community for such actions. Mr. Mabey also referenced the Town’s sign ordinance and the RSA’s pertaining to the placement of signs on utility poles.

Mr. Gould cited the need for legal guidance as related to the placement of signs on utility poles, urging Mr. Mabey to speak with the legal department of the Local Government Center.

While Mr. Mabey was present, the Board asked him questions related to **items b & c of the agenda**. These items address the generator project and the Old Town Hall Building Committee's progress respectively.

Mr. Mabey provided the Board with an overview of the progress related to the installation of the generator at the North Hampton School, stating that he expected to frame and pour the "pad" during the week of 8/21/06. Mr. Mabey cited all the assistance he was receiving from the highway department and assured the Board that school officials were indeed being kept apprised of the situation.

Mr. Mabey also advised the Board that he was working diligently to try to have the Old Town Hall Building Committee members come together for an organizational meeting. He stated that he had just recently met with Selectman Marsh who had agreed to champion this effort.

Mr. Mabey reminded the Board that as he has been requested to project manage the installation of the generator, to include the framing of the pad and the pouring and finishing of the concrete. As a result of these added duties, he stated that would not have time in the next two weeks to address some of the earlier referenced code office matters such as signs. He did however state that he would ask Mr. Smart to come in on Fridays for the next few weeks to assist with code enforcement efforts.

Next, Fire Chief Lambert met with the Board to speak on the most recent challenges and accomplishments experienced by the fire department.

Chief Lambert spoke of issues his department was experiencing related to the mechanical failure of two of the department's vehicles.

Chief Lambert addressed the unusually high amount of overtime recently expended by the fire department as a result of incidents of mutual aid requests, the fire at Friday's (under construction) Restaurant, the propane leak at Nation's Rent and the severe weather recently experienced.

Chief Lambert advised the Board that the fire department was moving to a paperless billing system for ambulance related services.

Chief Lambert addressed certain FEMA reporting requirements and deadlines.

Chief Lambert advised the Board that the newly purchased air packs will be placed into service at or near the end of August.

Town Clerk Delores Chase addressed the Board, citing the need to have the Old Town Hall readied for the upcoming state primary election scheduled for 9/12/06. She cited the need for the highway department and other members of the Town staff to work to have the Old Town Hall clean prior to 9/12/06.

Discussion ensued relative to the limited parking at the Old Town Hall building. The Board agreed that the highway department personnel should work to erect signs notifying of parking time limits as previously done.

- b. Generator Project Update  
(See above)
- c. Old Town Hall Building Committee Status Report  
(See above)
- d. C.A.T.V. Committee Status Report

The Board discussed the need for this committee to be formed and move forward quickly so at the very least the electronic community bulletin board could be placed in operation.

- e. Proposed Acquisition of Aquarion Water Company Discussion

Ms. Creighton referenced some historical information regarding the Aquarion Water Company, citing that Aquarion is currently in the process of being purchased by an Australian based bank named Macquarie.

Mr. Gould referenced a petition being circulated by Water Commissioner Henry Fuller concerning the Town of North Hampton purchasing Aquarion.

Mr. Gould spoke of the costs likely associated with the history of a special town meeting and the many other issues the town is having to address that are, or will be, straining the town's finances.

Mr. Gould stated that by his quick estimation, the town may be looking at legal expenses reaching \$250,000 or higher as it defends against the federal lawsuits regarding the wireless communications issues, amongst other issues being faced by North Hampton this year. Mr. Gould stated that he is very concerned that the Town could find itself in a position of "overspending" (the budget) if it (the Town) is not careful.

The Board discussed Mr. Gould's stated concerns, including the need to contract with a consulting firm to assess the water company, should the concept of purchasing Aquarion remain under consideration.

Ms. Creighton spoke of the timing related to the (possible) purchase of Aquarion, citing the need to address this matter while the proposed acquisition of Aquarion by Macquarie is underway.

Ms. Creighton stated her belief that the time for the town to act on this possible purchase is now and that the fact finding effort should be launched as soon as possible.

Mr. Marsh stated that he is concerned that the Town would be considering going into business if it were to purchase the Aquarion Water Company, saying that such an effort personally concerns him.

Ms Creighton, stated that there are professional utility management companies that could be contracted by the Town to run the water company and this company would be overseen by the Water Commissioners. The revenue would pay for this effort.

The Board discussed the petitioning of the court for holding a special town meeting related to the authorization to expend funds related to the purchase of Aquarion.

Ms. Creighton addressed the fact that many towns own and operate their own water company and that what the Board is considering is not unusual.

The Board questioned whether or not they could spend upwards of \$50,000 to hire a consultant to perform a due diligence study related to the purchase of Aquarion when funds specifically earmarked for this effort were not approved by voters.

Considerable discussion ensued as to whether or not the Board could hire a consultant ( as part of legal counsel's team) for the purpose of assessing the "worth" of Aquarion and pay for said services from the "Legal Services" line of the operating budget. Mr. Pardue will confer with the Local Government Center on this matter and advise the Board of his findings.

Mr. Marsh stated that the Board does not have enough information regarding the facts and figures associated with the acquisition of the Aquarion Water Company. He expressed concern about holding an open town meeting without the needed facts and figures to address this matter. Mr. Marsh stated that he would expect to hear questions related to the future costs associated with running a water company and how it would be managed.

Mr. Robert Landman, a Water Commissioner for North Hampton spoke in regards to the efforts of the Commission to try to find out what they could about Aquarion and Macquarie.

Ms. Creighton spoke to whether or not this is the time for the Town to seek the authority of the courts to allow for a special town meeting seeking voter approval to expend funds related to the research and possible acquisition of Aquarion. Ms. Creighton spoke of the importance of getting the other towns involved in this effort (Rye, Hampton).

**Motion / Vote: Mr. Gould made a motion stating that when, and if, the Board of Selectmen schedule a special town meeting, the meeting topics include both the Conservation Easement related to 57 Woodland Rd. and the matter concerning the water company acquisition / purchase. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.**

**Motion / Vote:** Mr. Gould made a motion to request legal counsel to provide advice about the likelihood of the Town getting permission from the court to have a money warrant article at special town meeting. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

**Motion / Vote:** Mr. Gould made a motion that assuming legal counsel advises it is feasible to do so, (hold a special town meeting to include a money warrant article related to the efforts to purchase Aquarion Water Company), legal counsel be asked to file such a petition. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

f. Fire Department Staffing Study RFP Discussion

Ms. Creighton stated that considering all the issues before the Town, she suggests delaying the proposed fire department staffing study. Mr. Gould stated that he is also of the opinion that the fire department staffing study be tabled.

The consensus of the Board was to table the proposed study at this time.

g. Bond for Conservation Commission Land Acquisition – Status Report

Mr. Pardue advised the Board that the Town had completed all needed paperwork related to the acquisition of a bond (as opposed to a Bond Anticipation Note) as had been authorized previously by the Board for this effort.

**Motion / Vote:** Mr. Gould made a motion authorizing the securing of a bond in the amount of \$750,000 of which \$500,000 is to be placed in the Undesignated Fund Balance and \$250,000 is to be used to purchase the Ebert property. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

The Board reviewed a letter from Conservation Chairman Chris Ganotis regarding the costs associated with bonding.

**Motion / Vote:** Mr. Gould made a motion to authorize the amount of the bond to be increased from \$750,000 to an amount inclusive of all costs, administrative, legal and otherwise associated with the securing of said bond. Ms. Creighton seconded the motion. The vote was unanimous and so moved 3-0.

h. Federal Court Suits by New Cingular and National Grid Communications, Inc.

Ms. Creighton advised the public and press that New Cingular Wireless and Grid Communications, Inc. had each filed federal lawsuits against the Town. Mr. Gould referenced that the Insurance Trust, of which the Town is a member, has approved DT&C lawyers to represent the Town in each of these suits and further that the Insurance Trust, by policy, will pay up to \$25,000 per suit towards this defense.

i. Appointments to the Conservation Commission

The Board reviewed letters of interest from each of the following:

Mr. Philip Thayer  
Ms. Lisa Wilson  
Mr. Peter Simmons  
Mr. Brian Chevalier  
Mr. Stan Knowles

Ms. Creighton read aloud a letter from Conservation Commission Chair Chris Ganotis recommending the following appointments be made by the Board of Selectmen

Voting Member position – Brian Chevalier  
Two Alternate Members – Phil Thayer Jr. and Lisa Wilson  
North Hampton Forever – Stan Knowles

Ms. Creighton stated that considering there were no restrictions on the number of alternate appointments, a lack of volunteers for open positions in the past and the need to ensure diversity of convictions, thoughts, ideas and opinions on boards and committees, her preference would be to let everyone who had submitted a letter of interest to serve on the Conservation Commission and/or North Hampton Forever to do so.

Mr. Marsh spoke of Mr. Simmons' knowledge of the Town and the history of North Hampton that he, Simmons, would bring to the Committee.

**Motion / Vote: Mr. Marsh made a motion to appoint Mr. Brian Chevalier as a full-member to the Conservation Commission. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.**

**Motion / Vote: Ms. Creighton made a motion to appoint Mr. Phil Thayer Jr. as an alternate to the Conservation Commission. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.**

**Motion / Vote: Ms. Creighton made a motion to appoint Peter Simmons as an alternate to the Conservation Commission. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.**

**Motion / Vote: Ms. Creighton made a motion to appoint Stan Knowles to North Hampton Forever. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.**

**Motion / Vote: Ms. Creighton made a motion to appoint Lisa Wilson to the Conservation Commission. No second to the motion was made.**

k. Appointment to Aquarion Citizen Advisory Committee - Discussion

Mr. Larry Bingaman of Aquarion was present and explained that the Aquarion Citizen Advisory Committee meets typically meets once monthly in the evening at either 6:00 p.m. or 6:30 p.m. Mr. Bingaman explained the role of the Committee and its importance to Aquarion.

Mr. Marsh spoke of his past service to North Hampton in his position as a member of Aquarion's Citizen Advisory Committee and it's role and benefit to North Hampton.

The Board asked that this position vacancy be posted on the Town's website for a period of two weeks with the hope that several residents would express an interest to serve on said Committee.

#### I. Questions and Comments on Above Topics

Mr. Phil Wilson asked Mr. Gould and Mr. Marsh to state their rationale for not seconding the nomination of Lisa Wilson.

Mr. Marsh cited his rationale, referencing his not having had an opportunity to view the Letter of Interest submitted by Ms. Wilson.

Mr. Gould stated that he did not offer a second to the motion due to firmly held personal views and with that, has nothing more to say.

Mr. Denis Kokernak spoke about the two federal law suits that the Town where the Town was named. Mr. Kokernak stated that his legal defense team had reviewed the cases and considered them to both be "weak".

Ms. Jenifer Landman spoke in support of Ms. Lisa Wilson.

Ms. Laurel Pohl echoed Ms. Landman's comments concerning Ms. Wilson.

Ms. Creighton said she was disappointed that the board chose not to honor the recommended appointments of the Conservation Committee.

Road Agent Robert Strout advised the Board that the highway department's new truck had been received and that it now on-line.



### **III. Non-Public Session RSA 91-A:3 II (d,e)**

**Motion / Vote:** Mr. Gould made a motion to temporarily adjourn the meeting at 10:27 p.m. for the purpose of entering into non-public session under the provisions of RSA 91-A:3 II (a,d,e) for the purpose of discussing a personnel matter, the acquisition, sale or lease of real or personal property and a legal matter. Mr. Marsh seconded the motion. Motion passed unanimously 3-0.

**Motion / Vote:** Mr. Marsh made a motion to reconvene the public portion of the meeting at 10:50 p.m. Mr. Gould seconded the motion. Motion passed 3-0.

### **IV. Administration / Business**

#### **A. Town Administrator's Report**

The Board had received individualized reports from each of the department heads at the beginning of the meeting, thus no further reporting was needed about on-going department activities.

Mr. Pardue advised the Board that department heads would be submitting their draft budgets on or before October 2, 2006. It was agreed that the Board would review each of the department budget drafts during the first two weeks of October in preparation for submission to the budget committee.

The Board and Mr. Pardue then discussed the need to work on the development of a job description for the combined positions of Tax Collector and Town Clerk. Mr. Pardue advised the Board that he had received some draft descriptions and would be meeting in the near future with Ms. Neves and Ms. Chase to discuss this matter with them.

#### **B. Correspondence**

The Board received a letter as written by Mr. Peter Parker and Ms. Cynthia Swank regarding matters associated with the Aquarion Water Company and comments made by Mr. Larry Bingaman of Aquarion at the Board's 24 July meeting.

The Board received a letter from Robert Maxwell O'Kane citing his opinion that the Town should consider the expansion of the Board of Selectmen.

The Board asked Mr. Pardue to send a letter to Mr. O'Kane thanking him for his comments and advising him that they intend to visit this idea in the fall.

#### **C. Approval of Minutes**

**Motion/Vote:** Ms. Creighton made a motion to approve the non-public session meeting minutes of July 10, 2006 as written. Mr. Gould seconded the motion. The vote was unanimous 3-0.

**Motion/Vote:** Ms. Creighton made a motion to approve the non-public session meeting minutes of July 24, 2006 as written. Mr. Gould seconded the motion. The vote was unanimous 3-0.

D. Other

**Motion / Vote:** Mr. Marsh made a motion to appoint Lisa Wilson as an alternate to the Conservation Commission. Ms. Creighton seconded the motion. The vote was 2-0-1 with Mr. Gould abstaining. Motion passed.

## **V. Adjournment**

Being no further business to come before the Board, Mr. Marsh made a motion to adjourn at 11:16 p.m. Ms. Creighton seconded the motion. The vote was unanimous and so moved 3-0.

Respectfully submitted,

Michael Pardue  
Town Administrator